

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7700 of 1996

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

KRUSHI BIYARAN AND GRAMODYOG SAHAKARI MANADLI LIMITED

Versus

SECRETARY

Appearance:

MR PK JANI for Petitioner

Mr. TH Sompura, Asstt.GP for the respondents.

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 12/12/96

ORAL JUDGEMENT

Rule returnable today. Learned Asstt. Government Pleader Mr. Sompura appears and waives service of rule on behalf of the respondents.

2. Petitioner herein challenges validity of the order dated 13th September, 1996 made by the Government on Revision Application No. 3 of 1995 preferred by the

petitioner against the order of the Collector, Mehsana.

3. It appears that under communication dated 30th September, 1995, an intimation was sent to the petitioner for hearing of the application on 5th December, 1995. Said communication was received by the petitioner on 5th December, 1995. The petitioner, therefore, could not remain present before the Government for hearing which was fixed on the same day. On 6th December, 1995, the petitioner sent an application to the Government for adjournment of the the hearing. Said application was received by the Government on 8th December, 1995. The Government, however, did not grant further time to the petitioner and considering that the petitioner had not remained present on the date of hearing nor had it applied for any adjournment, disposed of the revision application under the impugned order. Thus, the impugned order has been made by the Government without affording an opportunity of hearing to the petitioner.

3. The petition is, therefore, allowed. Impugned judgment and order dated 13th September, 1996 made by the Government on Revision Application No. 3 of 1995 [Annexure "H" to the petition] is quashed and set aside. The Government shall decide Revision Application No. 3 of 1995 after affording opportunity of hearing to the petitioner. Rule is made absolute accordingly. There shall be no order as to costs.

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